



DAE

Attorney Docket No. 43062-0001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joe G. RICH, Sr.  
Serial No. : 09/950,091  
Filing Date: : September 10, 2001  
Title : ELECTROLYSIS FUEL CELL ENERGY PLANT  
Examiner : Randy Gulakowski  
Group/Art Unit : 1746

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Mail Stop Petition  
Commissioner for Patents  
Alexandria, VA 22313-1450

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PETITION TO REVIVE

Sir:

Applicant hereby petitions the Commissioner to revive the above-identified abandoned application. It is certified that the abandonment of this application is an error on the part of the United States Patent and Trademark Office wherein a reply to the Office Action, mailed June 25, 2003, was transmitted via facsimile using Certificate of Transmittal on September 25, 2003, addressed to the Supervisory Patent Examiner Randy Gulakowski of Art Unit 1746, at given Facsimile No. 1-703-872-9374. Thus, the Notice of Abandonment mailed February 2, 2004, stating that applicant failed to file a reply to the Office Action is incorrect.

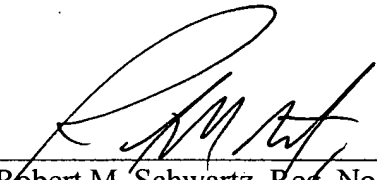
Enclosed is a copy of the Amendment transmitted, copy of Certificate of Transmission, copy of Transmittal Form and a copy of the Confirmation Report from the Facsimile Machine used in our offices showing the transmittal date of September 25, 2003 and transmittal time of 12:31 p.m.

It is, therefore, respectfully requested that the Abandonment of this application be withdrawn, as a responsive Amendment to the Office Action was timely filed. Although no fee is due to the Patent Office by the Applicant, the Commissioner is, however, authorized to charge any additional fees, which may be required in the prosecution of this application to Deposit Account No. 18-2262.

Respectfully submitted

March 3, 2004  
Enclosures

By:

  
Robert M. Schwartz, Reg. No. 229,854  
RUDEN, McCLOSKEY, SMITH,  
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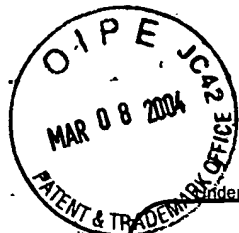
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/Vernice V. Freebourne

March 3, 2004 /Date



PTO/SB/21 (02-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/950,091	<b>RECEIVED</b>
	Filing Date	September 10, 2001	
	First Named Inventor	Joe G. RICH, Sr.	<b>MAR 09 2004</b>
	Art Unit	1746	
	Examiner Name	Randy Gulakowski	<b>OFFICE OF PETITIONS</b>
Attorney Docket Number	43062-0001		
Total Number of Pages in This Submission	15		

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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Robert M. Schwartz, Esq. RUDEN, McCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A.
Signature	
Date	March 3, 2004

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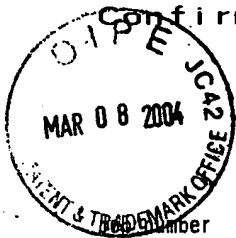
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Re: Applicant: Joe G. RICH, Sr.  
Serial No.: 09/950,091  
Filing Date: September 10, 2001  
Title: ELECTROLYSIS FUEL CELL ENERGY PLANT  
Attorney Docket No.: 43062-0001

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/Vernice V. Freebournie

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*Vernice V. Freebourne*

/Vernice V. Freebourne

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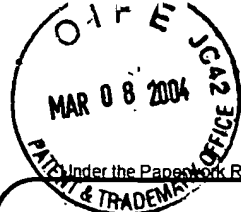
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/950,091	
	Filing Date	September 10, 2001	
	First Named Inventor	Joe G. RICH, sR.	
	Art Unit	1746	
	Examiner Name	Donald V. Scaltrito	
Total Number of Pages in This Submission	11	Attorney Docket Number	43062-0001

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Firm or Individual	Robert M. Schwartz
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Examiner : Donald V. Scaltrito  
Group/Art Unit : 1746

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### AMENDMENT

Sir:

This is in response to the Office Action mailed on June 25, 2003 setting a shortened statutory response date of three months. Accordingly, this Amendment is timely filed. Applicant submits the following Amendment and Remarks and respectfully requests the examiner to reconsider the rejections and objections made in the Action and to allow the claims to issue.

Please amend the application as follows:

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of this paper.

**Remarks** begin on page 8 of this paper.

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This listing of claims will replace all prior versions, and listings, of claims in the application:

## LISTING OF CLAIMS

Claims 1-6. (Cancelled).

Claim 7. (Currently amended). ~~The fuel cell device according to claim 6 wherein said A~~  
fuel cell device for providing electrical energy, said fuel cell device comprising:

a first storage tank for storing a hydrogen-based fuel operatively engaged to a fuel cell  
portion having an electron input, said first storage tank having a first pressure valve to regulate  
fuel pressure within said first storage tank and a first flow control valve to regulate fuel flow  
from said first storage tank to said fuel cell portion;

a second storage tank for storing an oxidant operatively engaged to said fuel cell  
portion, said second storage tank having has a second pressure valve to regulate oxidant  
pressure within said second storage tank;

an electrolysis portion having an electron output; and

an electrolyte recovery unit;

wherein said hydrogen-based fuel is selected from the group consisting essentially of hydrogen  
gas, hydrocarbons, hydrazine, and alcohol.



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Claim 8. (Previously presented). The fuel cell device according to claim 7 wherein said second storage tank has a second flow control valve to regulate oxidant flow from said second storage tank to said fuel cell portion.

Claim 9. (Previously presented). The fuel cell device according to claim 8 wherein said oxidant is selected from the group consisting essentially of oxygen gas and air.

Claims 10-14. (Cancelled).

Claim 15. (Currently amended). The fuel cell device according to claim 14 7 wherein said fuel cell portion is integrally connected to said electrolysis portion and wherein said fuel cell portion further comprises:

at least one electrode, said at least one electrode one of a cathode or an anode;

an ion conducting membrane to allow hydrogen ions from said hydrogen-based fuel to diffuse across said membrane to interact with oxygen ions from said oxidant; and

a glass separator to prevent undesired contact between said hydrogen-based fuel and said oxidant.

Claim 16. (Previously presented). The fuel cell device according to claim 15 wherein said fuel cell portion further comprises a glass liquid separator to divide said fuel cell portion from said electrolysis portion.

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Claim 17. (Previously presented). The fuel cell device according to claim 16 wherein said electron input is a conductor wire.

Claim 18. (Previously presented). The fuel cell device according to claim 17 wherein said conductor wire is platinum.

Claims 19-21. (Cancelled).

Claim 22. (Currently amended). The fuel cell device according to claim ~~21~~ 7 wherein said fuel cell combines said hydrogen-based fuel with said oxidant to produce electrical power and waste water and wherein said electrolysis portion further comprises at least one plate electrode and an electrolyte, and wherein said electrolyte is an acid.

Claim 23. (Previously presented). The fuel cell device according to claim 22 wherein said acid is sulfuric acid.

Claim 24. (Previously presented). The fuel cell device according to claim 23 wherein said electrolysis portion further comprises an open glass separator.

Claim 25. (Previously presented). The fuel cell device according to claim 24 wherein said electrolysis portion splits said waste water into hydrogen and oxygen.

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Claim 26. (Previously presented). The fuel cell device according to claim 25 wherein said electrolysis portion provides hydrogen to said first storage tank.

Claim 27. (Previously presented). The fuel cell device according to claim 25 wherein said electrolysis portion provides oxygen to said second storage tank.

Claim 28. (Currently amended). The fuel cell device according to claim 25 wherein said electron output is ~~said~~ a conductor wire.

Claim 29. (Previously presented). The fuel cell device according to claim 28 wherein said electrolysis portion is operatively engaged to said electrolyte recovery unit.

Claim 30. (Currently amended). The fuel cell device according to claim ~~4~~ 7 wherein said electrolyte recovery unit further comprises an overflow intake to accept excess electrolyte.

Claim 31. (Previously presented). The fuel cell device according to claim 30 wherein said electrolyte recovery unit further comprises a return to provide electrolyte flow into said electrolysis portion.

Claim 32. (Previously presented). The fuel cell device according to claim 30 wherein said electrolyte recovery unit further comprises a return to provide electrolyte flow to a third storage tank for future use.

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Claim 33. (Currently amended). The fuel cell device according to claim + 7 wherein said fuel cell device further comprises a heat exchanger to control the temperature of said fuel cell.

Claims 34-39. (Cancelled).

Claim 40. (Currently amended). A method for generating electrical energy using a fuel cell device having a fuel cell portion and an electrolysis portion comprising:

storing a hydrogen-based fuel in a first storage tank, wherein a first pressure valve controls fuel pressure within said first storage tank, and wherein a first flow control valve controls the supply of said hydrogen-based fuel from said first storage tank to a fuel cell portion;

storing an oxidant in a second storage tank, wherein a second pressure valve controls oxidant pressure within said second storage tank, and wherein a second flow control valve controls the supply of said oxidant from said first storage tank to said fuel cell portion;

supplying said hydrogen-based fuel, said oxidant, and electrons to said fuel cell portion,  
wherein a conductor wire supplies electrons to said fuel cell portion;

combining said hydrogen-based fuel and said oxidant in said fuel cell portion to generate electrical energy and waste water;

supplying said waste water to said electrolysis portion having an electrolyte;

splitting said waste water into hydrogen and oxygen;

supplying said hydrogen from said electrolysis portion to said first storage tank;

supplying said oxygen from said electrolysis portion to said second storage tank;

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providing flow of said electrolyte to an electrolyte recovery pump, said flow being redirected.

Claim 41. (Previously presented). The method according to claim 40 wherein said conductor wire is platinum.

Claim 42. (Currently amended). The method according to claim ~~35~~ 40 wherein said electrolyte further comprises unreacted waste water.

Claim 43. (Currently amended). The method according to claim ~~35~~ 40 wherein said electrolyte recovery unit redirects electrolyte flow to said electrolysis portion.

Claim 44. (Currently amended). The method according to claim ~~35~~ 40 wherein said electrolyte recovery unit redirects electrolyte flow to a third storage tank.

Claim 45. (Currently amended). The method according to claim ~~35~~ 40 wherein said method further comprises the step of controlling the temperature of said fuel cell device.

Claim 46. (Previously presented). The method according to claim 45 wherein said controlling is performed by a heat exchanger.

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## REMARKS/ARGUMENTS

On page 5 of the Office Action, the Examiner objected to claims 7-9, 15-18, 22-33, and 40-46 as being dependent upon a rejected base claim. The Examiner further stated that claims 7-9, 15-18, 22-33, and 40-46 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten claims 7-9, 15-18, 22-33, and 40-46 so as to incorporate the limitations of the rejected base claim and any intervening claims and has further amended the dependencies of claims in the amended claims submitted herewith so as to overcome the Examiner's objection. Applicant believes that the amended claims fulfill the statutory requirements. Thus, no further correction is required.

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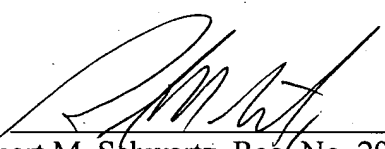
## Conclusion

Having analyzed the objections cited against the claims, it is urged that the present claims are in condition for allowance. A favorable reconsideration is requested. The Examiner is invited to contact the undersigned attorney to discuss any matters pertaining to the present application.

The Commissioner is hereby authorized to charge any fees, which may be required in the prosecution of this application to Deposit Account No. 18-2262.

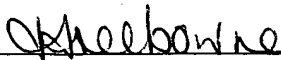
Respectfully submitted,

Date: September 25, 2003

By:   
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/Vernice V. Freebourne

September 25, 2003 /Date